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3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA

5
6 UNITED STATES OF AMERICA,

No. CR 07-0131 MHP

7 Plaintiff(s),

**ORDER REVOKING SUPERVISED
RELEASE AND JUDGEMENT**

8 v.

9 REX M. LUTTON,

10 Defendant(s).

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13 This matter came on pursuant to an Order to Show Cause why supervised release should not
14 be revoked. Defendant appeared in person with his attorney Barry Portman. The United States was
15 represented by Assistant United States Attorney Wendy Thomas.

16 The defendant was advised of the following:

- 17 1. His right to a hearing on the alleged violations of supervised release;
18 2. His right to confront and cross-examine witnesses;
19 3. His right to produce evidence and witnesses at the hearing without cost to him if he
20 could not afford the same;
21 4. His right to continue to have court appointed counsel represent him throughout the
22 proceedings; and
23 5. The nature of the revocation proceedings and the consequences if a violation was
24 found and supervised release revoked or modified.

25 The court finds that defendant was fully advised of his constitutional and statutory rights in
26 connection with these proceedings either as a basis for modification or revocation; that he fully
27 understands the nature of the proceeding and the defenses that he may assert in the proceeding; that
28 he fully understands the consequences of the proceeding; and that he freely and voluntarily waives

1 his right to a hearing, his counsel consenting thereto.

2 The court finds that the defendant has admitted to the violations as alleged in the petition to
3 revoke and that such violations are sufficient cause to revoke supervised release.

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5 Charge 1: Violation of Special Condition which states in part that defendant shall
6 participate in a substance abuse treatment program which may include
7 impatient treatment, in that on November 5, 2005, the defendant left the
8 impatient treatment program at Delancy Street Foundation without the
9 approval of the US Probation Officer.

10 Charge 2: Violation of Standard Condition which states that the defendant shall notify
11 the US Probation Officer in writing at least ten days prior to any change of
12 address in that on November 5, 2005, the offender left his place of residence
13 on Delancy Street Foundation without notifying the US Probation Officer.

14 Charge 3: Violation of Standard Condition which states that defendant shall not commit
15 another federal, state, or local crime in that on November 11, 2005, the
16 defendant drove recklessly to avoid a police officer, and was subsequently
17 sentenced on October 2, 2006 to two years state prison for Attempting to
18 Evade Peace Officer While Recklessly Driving.

19 Charge 4: Violation of Standard Condition which states the offender shall not commit
20 another federal, state, or local crime in that on February 8, 2006, the
21 defendant attempted to escape from Sonoma County Sheriff's Department.

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1 Based on the foregoing,

2 IT IS ADJUDGED that supervised release be and is hereby REVOKED and that defendant
3 is remanded into the custody of the Attorney General or his authorized representative for a term of
4 twenty-one (21) months , to run concurrently with the sentence imposed on CR 06-0063 MHP. No
5 further supervised release is ordered for this court. Court recommends placement of defendant in a
6 facility which provides both a strong psychiatric counseling/treatment program and a drug treatment
7 program.

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9 Dated: May 23, 2007


10 MARILYN HALL PATEL
11 United States District Court